

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11005 of 2021

Sudam Murmu and another

.... Petitioners

Mr. A. K. Nath, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. S.N. Das, A.S.C. for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

10.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with P.R. Case No.151 of 2021-22, corresponding to 2(a)C.C. No.103 of 2021 pending in the court of J.M.F.C.(R), Balasore, for commission of alleged offences under Section 52(a)(i) of Orissa Excise Act, 2008.
3. Heard learned counsel for both the parties. Perused the materials on record.
4. Learned counsel for the Petitioners submits that Petitioners are innocent persons and they have been falsely implicated in the case. It is further submitted that Petitioners are in jail custody since 14.11.2021.
5. Learned Standing Counsel for the State vehemently objected to the bail of the Petitioners. It is submitted that a quantity of 1000 ltrs. of I.D. Liquor has been recovered from the custody of the

Petitioners. However, he submits if the Petitioners are released on bail, stringent conditions may be imposed on the accused Petitioners.

6. Considering the nature of allegations and the period of detention of the accused Petitioners, I am inclined to release the Petitioners on bail in the above case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin of the matter and they shall not involve in any similar nature of offence particularly involving the offence under the Excise Act. Petitioners are also directed to appear before the local police at an interval of every fifteen days between 11.00 A.M. to 1.00 P.M. on a working day, once they come out of jail custody. The court in seisin of the matter may impose any additional condition(s), if situation so warrants.

7. With the above direction, the BLAPL is accordingly allowed.

8. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

(A.K. Mohapatra)
Judge